

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

James Powell

Date of Original Judgment: 06/04/2013Date of Previous Amended Judgment: 08/30/2013

(Use Date of Last Amended Judgment if Any)

Case No: 0419 3:11CR00403-002USM No: 27281-058Joshua Carpenter

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed **aggregate** sentence of imprisonment (as reflected in the last judgment issued) of 162 months **is reduced to** time-served plus 10 days.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated June 24, 2013 as amended August 30, 2013, shall remain in effect.

IT IS SO ORDERED.

Signed: December 6, 2023

Effective Date: 02/01/2024

(if different from order date)



Frank D. Whitney
United States District Judge

This page contains information that should not be filed in court unless under seal.
(Not for Public Disclosure)

DEFENDANT: James Powell
CASE NUMBER: 0419 3:11CR00403
DISTRICT: Western District of North Carolina

I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)

Previous Total Offense Level: <u>21</u>	Amended Total Offense Level: <u>21</u>
Criminal History Category: <u>V</u>	Criminal History Category: <u>IV</u>
Previous Guideline Range: <u>154</u> to <u>171</u> months	Amended Guideline Range: <u>141</u> to <u>155</u> months

II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.
- ☒ Other (explain): The aggregate sentence includes an 84-month consecutive sentence to which the defendant was sentenced in Count 3.

III. FACTORS CONSIDERED UNDER USSG § 1B1.10 AND 18 U.S.C. § 3553(a) (*See Chavez-Meza v. United States, 138 S.Ct. 1959 (2018)*)